



U.S. ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs
Registration Division (7505P)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

EPA Reg. Number:

8959-61

Date of Issuance:

11/16/17

NOTICE OF PESTICIDE:

☒ Registration
☐ Reregistration
(under FIFRA, as amended)

Term of Issuance:

Conditional

Name of Pesticide Product:

Pond-Klear Aquatic Herbicide

Name and Address of Registrant (include ZIP Code):

Joanne Holcombe
Applied Biochemists
An Arch Chemicals, Inc. Business
1200 Bluegrass Lakes Parkway
Alpharetta, GA 30004

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA section 3(c)(7)(A). You must comply with the following conditions:

1. Submit and/or cite all data required for registration/reregistration/registration review of your product under FIFRA when the Agency requires all registrants of similar products to submit such data.
2. You are required to comply with the data requirements described in the DCI identified below:
 - a. Flumioxazin GDCI-129034-1236

Signature of Approving Official:

Shaja B. Joyner, Product Manager 20
Fungicide-Herbicide Branch
Registration Division 7505P

Date:

11/16/17

You must comply with all of the data requirements within the established deadlines. If you have questions about the Generic DCI listed above, you may contact the Chemical Review Manager in the Pesticide Reevaluation Division: <http://iaspub.epa.gov/apex/pesticides/f?p=chemicalsearch:1>

3. Make the following label changes before you release the product for shipment:
 - Revise the EPA Registration Number to read, “EPA Reg. No. 8959-61.”
4. Submit one copy of the final printed label for the record before you release the product for shipment.

Should you wish to add/retain a reference to the company’s website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product’s label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA’s Office of Enforcement and Compliance.

If you fail to satisfy these data requirements, EPA will consider appropriate regulatory action including, among other things, cancellation under FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records. Please also note that the record for this product currently contains the following CSFs:

- Basic CSF dated 5/1/2017

If you have any questions, please contact Nathan Mellor by phone at 309-347-8562, or via email at mellor.nathan@epa.gov.

Enclosure

Note to reviewer:

[Items in brackets [AAA] are optional and may/may not be included on final label]

{Items in braces {AAA} are for information purposes and will not appear on final label}

Pond-Klear Aquatic Herbicide

GROUP	14	HERBICIDE
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ACTIVE INGREDIENT:

Flumioxazin* 44.0%

OTHER INGREDIENTS: 56.0%

TOTAL 100.0%

*2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione

Contains 4 pounds flumioxazin per gallon.

[Shake Well Before Use]

KEEP OUT OF REACH OF CHILDREN

[MANTÉNGASE FUERA DEL ALCANCE DE LOS NIÑOS]

CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

Read all Precautionary [and First Aid] Statements [on] [back] [side] [panel] [inside booklet] before use.

[Manufactured for] [Sold by]:

Applied Biochemists

1200 Bluegrass Lakes Pkwy

Alpharetta, GA 30004

[For product questions, call] [1-800-558-5106]

EPA Reg. No. 8959-AR

EPA Est. No. XXXXX-YY-ZZ

NET CONTENTS: [16 oz.]

ACCEPTED

11/16/2017

Under the Federal Insecticide, Fungicide
and Rodenticide Act as amended, for the
pesticide registered under
EPA Reg. No. 8959-61

FIRST AID

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 – 20 minutes.

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15 – 20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

IN CASE OF EMERGENCY CALL: 1-800-654-6911

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if inhaled or absorbed through the skin. Causes moderate eye irritation. Avoid breathing spray mist. Avoid contact with skin, eyes or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Mixers, loaders, applicators, and other handlers must wear long-sleeved shirt and long pants, shoes and socks and waterproof gloves.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users Should: Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This product can be toxic to non-target plants and aquatic invertebrates. Do not apply to water except as specified on the label. Drift and runoff may be hazardous to non-target plants and aquatic organisms in neighboring areas, if not used in accordance to label directions. Do not apply where runoff is likely to occur. Do not apply when weather conditions favor drift from treated areas. Do not contaminate water when disposing of equipment washwaters or rinsate.

Treatment of aquatic weeds and algae can result in oxygen loss from decomposition of dead algae and weeds. This oxygen loss can cause fish and invertebrate suffocation. To minimize hazard, do not treat more than 1/2 of the water body to avoid depletion of oxygen due to decaying vegetation. Wait at least 10 to 14 days between treatments. Begin treatment along the shore and proceed outwards in bands to allow fish to move into untreated areas.

This pesticide is toxic to plants and should be used strictly in accordance with the drift and run-off precautions on this label in order to minimize off-site exposures.

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

PHYSICAL OR CHEMICAL HAZARDS

Do not mix or allow coming in contact with oxidizing agent. Hazardous chemical reaction may occur.

STORAGE & DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Open dumping is prohibited.

PESTICIDE STORAGE: Keep container closed when not in use. Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Do not reuse or refill container. Do not contaminate feed, feedstuffs, or drinking water. Do not store or transport near feed or food.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Nonrefillable container. Do not reuse container. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container $\frac{1}{4}$ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning if available or puncture and dispose of in approved landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

PRODUCT INFORMATION

[Product Name][This product] is a fast acting contact herbicide for use in: [Quiescent or slow-moving bodies of water,] [Canals,] [Drainage ditches,] [Lakes,][Reservoirs,][Marshes,] [Golf Course,] [and] [Ponds.] This product controls selected submersed, emergent, and floating aquatic weeds. It is most effective when applied to young, actively growing weeds in water with a pH of less than 8.5. Waters treated with this product may be used for swimming, fishing, animal consumption or further potable water treatment.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Read the entire label before using this product. Use strictly in accordance with label precautionary statements and directions, and with applicable state and federal regulations.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the State or Tribal agency responsible for pesticide regulation.

APPLICATION RESTRICTIONS

- Do not apply to intertidal or estuarine areas.
- In areas with dense weed vegetation only treat $\frac{1}{2}$ the water body at one time and wait 10-14 days before treating the remaining area. Do not retreat the same section of water within 28 days of initial application.
- Treated water may not be used for irrigation purposes on food crops until at least five (5) days after application.
- Do not use in water utilized for crawfish farming.
- Do not re-treat the same section of water with this product more than 6 times per year.
- Do not exceed 400 ppb of this product (flumioxazin) during any one application.

APPLICATION INFORMATION

- There is no post-application holding restriction against use of treated water for drinking or recreational purposes (e.g. swimming, fishing).
- Treated water may be used for irrigation purposes on turf and landscape ornamentals as outlined in the *Irrigation Restrictions Following Application* table.

Table 1. Irrigation Restrictions Following Application				
Application Method	Application Rate	Average Water Depth	Turf and Landscape Ornamentals	Ornamentals grown for production in Greenhouse and Nursery
Surface Spray	1.5 to 3.0 fl. oz. per 10,890 sq. ft.(1/4 acre)	> 3 feet	None	5 days
		< 3 feet	12 hours	5 days
Subsurface	< 200 ppb	N/A	1 day	5 days
	200 to 300 ppb	N/A	2 days	5 days
	300 to 400 ppb	N/A	3 days	5 days

SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather-related factors determine the potential for spray drift. The applicator is responsible for considering all these factors when making decisions.

Do not spray this product under circumstances where spray droplets may drift on to unprotected persons, or plantings of food, forage or crops that might be damaged, or rendered unfit for sale, use or consumption. These precautions are not applicable for subsurface injection by closed systems.

- Use the largest droplet size consistent with acceptable efficacy. Formation of very small droplets may be minimized by appropriate nozzle selection, by orienting nozzles away from the air stream as much as possible and by avoiding excessive spray boom pressure. For ground boom applications, use medium or coarser spray nozzles according to ASAE 572 definition for standard nozzles or a volume mean diameter (VMD) of 300 microns or greater for spinning atomizer nozzles.
- Make ground or watercraft-based surface applications when wind velocity favors on-target product deposition. Apply only when the wind speed is less than or equal to 10 mph.
- Do not make ground applications into areas of temperature inversions. Inversions are characterized by stable air and increasing temperatures with increasing distance above the ground. Mist or fog may indicate the presence of an inversion in humid areas. Where permissible by local regulations, the applicator may detect the presence of an inversion by producing smoke and observing a smoke layer near the ground surface.
- Low humidity and high temperatures increase the evaporation rate of spray droplets, and therefore the likelihood of increased spray drift. Avoid spraying during conditions of low humidity and/or high temperatures.

Properly maintain and calibrate all ground and water based application equipment.

Where states have more stringent regulations, observe them.

Do not apply by air.

RESISTANCE MANAGEMENT

This product is a Group 14 herbicide. Any weed population may contain or develop plants naturally resistant to this product and other Group 14 herbicides. Weed species with acquired resistance to Group 14 herbicides may eventually dominate the weed population if Group 14 herbicides are used repeatedly in the same field or in successive years as the primary method of control for targeted species. This may result in partial or total loss of control of those species by this product or other Group 14 herbicides.

To delay herbicide resistance consider:

- Avoiding the consecutive use of this product or other target site of action Group 14 herbicides that might have a similar target site of action, on the same weed species.
- Using tank mixtures or premixes with herbicides from different target site of action Groups as long as the involved products are all registered for the same use, have different sites of action and are both effective at the tank mix or prepack rate on the weed(s) of concern.
- Basing herbicide use on a comprehensive Integrated Pest Management (IPM) program.
- Monitoring treated weed populations for loss of field efficacy.

- Contacting your local extension specialist, certified crop advisors and/or manufacturer for herbicide resistance management and/or integrated weed management recommendations for specific crops and resistant weed biotypes.

HELPFUL HINTS

- When making solution, use dilution water having a pH of 5 to 7.
- Apply in early morning to actively growing weeds and early in the season.
- This product is a contact herbicide that quickly degrades in the water column.
- This product is rapidly absorbed by target plants, but also **breaks down quickly in water with a pH greater than 8.5**. The pH of water surrounding mats of submersed vegetation can exceed 8.5 by early to mid-day, due to photosynthetic processes. Application of this product under these conditions may provide only partial weed control, and regrowth is likely.
- Clean spray equipment by flushing with clean water immediately after treatment.

TANK MIXES

This product may be tank mixed with 2,4-D, diquat, glyphosate, or copper algaecides for enhanced control. **Mix and apply immediately**. It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions for use on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture. Contact [Lonza][Applied Biochemists] for more information, 1-800-558-5106.

ADDITIVES

When applying this product to the foliage of floating or emerged aquatic weeds, mix with an adjuvant approved for use in aquatic sites. Mix this product with a non-ionic surfactant containing at least 80% active ingredient. Follow adjuvant manufacturer's label rates. Verify mixing compatibility by a jar test before using.

JAR TEST TO DETERMINE COMPATIBILITY OF ADJUVANTS AND THIS PRODUCT

Perform a jar test before mixing commercial quantities of this product, when using this product for the first time, when using new adjuvants or when a new water source is being used.

1. Add 1 pint of the water to a quart jar. Use water from the same source and temperature as which will be used in the spray tank mixing operation.
2. Add 1 milliliter of this product to the quart jar for every 3 fl. oz. of this product per acre being applied (4 ml if 12 fl. oz. per acre is the desired rate of this product), gently mix until product goes into suspension.
3. Add 1 milliliter of non-ionic surfactant, gently mix.
4. Place cap on jar, invert 10 times, let stand for 15 minutes, evaluate.
5. An ideal tank mix combination will be uniform. If any of the following conditions are observed question the choice of adjuvant:
 - a) Layer of oil or globules on the mixture's surface.
 - b) Flocculation: fine particles in suspension or as a layer on the bottom of the jar.
 - c) Clabbering: Thickening texture (coagulated) like gelatin.

Sprayer Cleanup

If spray equipment is dedicated to application of aquatic herbicides, the following steps are to clean the spray equipment:

- Completely drain the spray tank and rinse the application equipment thoroughly, including the inside and outside of the tank and all in-line screens.

If spray equipment will be used for purposes other than applying aquatic herbicides, it must be thoroughly cleaned following application of this product. The following steps must be used to clean the spray equipment:

1. Completely drain the spray tank and rinse the application equipment thoroughly, including the inside and outside of the tank and all in-line screens.
2. Fill the tank with clean water and flush all hoses, booms, screens and nozzles.
3. Top off tank with clean water.
4. Circulate through sprayer for 5 minutes.
5. Then flush all hoses, booms, screens and nozzles for a minimum of 15 minutes.

6. Drain tank completely.
7. Remove all nozzles and screens and rinse them with clean water.

FLOATING AND EMERGED WEEDS USING SURFACE APPLICATION

1. Determine the dimensions of the intended treatment area using the appropriate formula [below][location]:

$$\text{Square pond: average length (ft.)} \times \text{average width (ft.)} / 10,800 = \frac{1}{4} \text{ acre}$$

$$\text{Oval pond: (average length (ft.)} \times \text{average width (ft.)} \times 0.8) / 10,800 = \frac{1}{4} \text{ acre}$$
2. Dilute 1.5 fl. oz. to 3.0 fl. oz. of [Product Name][this product] in 4 gallons of water per $\frac{1}{4}$ acre.
3. Apply as a broadcast spray with a backpack or handgun sprayer directly to the foliage of actively growing weeds. [This product will control the following species: Alligator Weed (*Alternanthera philoxeroides*), Duckweed (*Lemna spp.*), Frogs-bit (*Limnobium spongia*), Mosquito Fern (*Azolla spp.*), Salvinia (*Salvinia spp.*), Water Lettuce (*Pistia stratiotes*), Watermeal (*Wolffia spp.*), and algae (*Pithophora*) and (*Cladophora*)].

[Example: If using a 5-gallon backpack sprayer, dilute 1.5 to 3.0 fl. oz. of product in 4 gallons of water (use water having a pH of 5 to 7). Apply solution evenly to the weeds in each $\frac{1}{4}$ acre of pond surface area. Mix additional product and water as necessary to treat the whole pond. Ensure thorough coverage of target plant foliage.]

Proper coverage is essential for effective control. Apply in a manner that will ensure even distribution of the chemical within the treatment area. If a second application is required to provide control, make treatment when weeds are first observed, but no sooner than 28 days after the last treatment.

SUBMERSED AND FLOATING WEEDS USING SUBSURFACE APPLICATION

1. Determine the dimensions of the intended treatment area using the appropriate formula [below][location]:

$$\text{Square pond: average length (ft.)} \times \text{average width (ft.)} \times \text{average depth (ft.)} / 43,560 = \text{acre-feet}$$

$$\text{Oval pond: (average length (ft.)} \times \text{average width (ft.)} \times \text{average depth (ft.)} \times 0.8) / 43,560 = \text{acre-feet}$$
2. Dilute 16 fl. oz. (200 ppb flumioxazin) to 32 fl. oz. (400 ppb flumioxazin) of [Product Name][this product] in 4 gallons of water per acre-foot.
3. Apply evenly as subsurface application with a backpack or handgun sprayer. [This product will control the following species: Coontail (*Ceratophyllum demersum*), Duckweed (*Lemna spp.*), Fanwort (*Cabomba caroliniana*), Hydrilla (*Hydrilla verticillata*), Hydrophila (*Hydrophila polysperma*), Naiad, Southern (*Najas guadalupensis*), Pondweed, Curlyleaf (*Potamogeton crispus*), Pondweed, Sago (*Potamogeton pectinatus*), Pondweed, Variable-Leaf (*Potamogeton diversifolius*), Salvinia (*Salvinia spp.*), Water Lettuce (*Pistia stratiotes*), Watermeal (*Wolffia spp.*) Watermilfoil, Eurasian (*Myriophyllum spicatum*), and Watermilfoil, Variable-Leaf (*Myriophyllum heterophyllum*)].

Subsurface Application Rates

Water Depth (feet)	Ounces of Pond-Klear Herbicide Required Per Surface Acre to Achieve Desired Water Concentration		
	200 ppb	300 ppb	400 ppb
1	17.6	25	33.6
2	33.6	51.2	67.2
3	51.2	76.8	102.4
4	67.2	102.4	136
5	84.8	128	169.6

[Example: Using a 5-gallon backpack sprayer, dilute 16 to 32 fl. oz. of product in 4 gallons of water (use water having a pH of 5 to 7). Apply solution evenly to the weeds in the water column by inserting the spray nozzle underneath the surface to achieve a target concentration of 200 ppb to 400 ppb. Mix additional product and water as necessary to treat the whole pond.]

{BEGIN OPTIONAL MARKETING CONTENT}

Breaks down rapidly in water

Broad spectrum contact herbicide

Dilute and Apply

For residential use.

For the Management of Undesirable Aquatic Vegetation in [Slow Moving] [or] [Quiescent Waters]

For use in: [Quiescent or slow-moving bodies of water,] [Canals,] [Drainage ditches,]

[Lakes,][Reservoirs,][Marshes,] [Golf Course,] [and] [Ponds.]

(insert trademark statement)

No restrictions on water for swimming, fishing or animals drinking the water.



Applied Biochemists® Experts in Aquatics [Since 1970]

Lonza

{Lonza owns Applied Biochemists}

{Note to reviewer: The intent of the following graphics is to use the graphics only in conjunction with the claims that follow them to illustrate proper use or application patterns. The claims can be used on the final printed label without the graphics.}

{Treatment area claims are represented by the measuring tape graphic}



[] 1.5 - 3.0 fl. oz. [per][treats] 10,890 sq. ft. [for [floating plant control]][duckweed][watermeal]]



[] 16 - 32 fl. oz. per acre-foot for submersed plant control

{Time-related claims are represented by the clock graphic}



[] [Can take] [up to] several weeks for complete control[.]



[] [Visible] Results in [less than] [<] [1-2 weeks]

{Aquatic plant species claims are represented by the plant and water droplets graphic}



[] Controls common invasives [such as Eurasian watermilfoil and curly-leaf pondweed]



[] Controls [nuisance] watermeal and duckweed



[] [Kills] [controls] [destroys] [submersed,] [emergent,][duckweed][watermeal] and [floating] plants

{Tank sprayer claims are represented by the Tank sprayer graphic}



[] Tank mix [with other herbicides or algacides] for superior control

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY APPLIED BIOCHEMISTS OR THE SELLER AND (2) APPLIED BIOCHEMISTS AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD OR USE OF THE PRODUCT, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, THE MANNER OF USE OR APPLICATION, OR WEATHER CONDITIONS, ALL OF WHICH ARE BEYOND THE CONTROL OF APPLIED BIOCHEMISTS AND SELLER AND ARE ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, APPLIED BIOCHEMISTS AND SELLER, AND NO PERSON OR AGENT OF APPLIED BIOCHEMISTS OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY BEYOND THOSE CONTAINED HEREIN.

LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, NEITHER APPLIED BIOCHEMISTS NOR SELLER SHALL BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RESULTING FROM THE USE, APPLICATION, STORAGE, HANDLING, AND DISPOSAL OF THIS PRODUCT. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, NEITHER APPLIED BIOCHEMISTS NOR SELLER SHALL BE LIABLE TO BUYER OR USER BY WAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY APPLIED BIOCHEMISTS OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND APPLIED BIOCHEMISTS OR SELLER'S TOTAL LIABILITY, SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

If you do not agree with or do not accept any of the directions for use, the warranty disclaimers, or limitations on liability, do not use the product and return it unopened to the Seller in accordance with Seller's return policy.

{OR}

WARRANTY DISCLAIMER

To the extent permitted by applicable law neither the manufacturer nor the seller makes any warranty, expressed or implied concerning the use of this product in a manner that is not consistent with the use expressly set forth on the label. To the extent permitted by, and consistent with, applicable law, buyer assumes any risk of use of this product that is not consistent with label use instructions. Read and follow the label directions.

{END OPTIONAL MARKETING CONTENT}